

**AMENDMENTS TO THE CLAIMS**

This listing of claims will replace all prior versions, and listings, of claims in the application:

Claim 1 (Original): A tissue approximating device comprising:  
first and second jaw members, said first and second jaw members being moveable toward and away from one another;  
a first and second retaining means, said first and second retaining means being located generally opposite one another on said first and second jaw members, respectively; and  
first and second fastening members releasably secured to said first and second retaining means, respectively, said engaging means being configured such that when said first jaw member is moved toward said second jaw member, said first fastening member fixedly mates with said second fastening member.

Claim 2 (Original): The tissue approximating device of claim 1 wherein said first and second fastening members comprise a rivet and securing washer, respectively.

Claim 3 (Original): The tissue approximating device according to claim 1 further comprising a tissue engaging rod,  
said tissue engaging rod having a tissue engaging portion that can extend generally parallel to said first and second jaw members and that is moveable from a first to second position.

Claim 4 (Original): The tissue approximating device of claim 3 wherein said tissue engaging rod is pivotally attached to said first and second jaw members.

Claim 5 (Cancel)

Claim 6 (Cancel)

Claim 7 (Original): A tissue approximating device comprising:

first and second jaw members moveable toward one another, said first and second jaw members having inner surfaces facing toward one another other, said inner surfaces of said first and second jaw members having at least one tooth member and at least one reciprocal cavity member, respectively, such that when the inner surfaces of said first and second jaw surfaces are moved toward one another said at least one tooth member on said first jaw member is received at least partially within said at least one reciprocal cavity member of said second jaw member.

Claim 8 (Original): The device of claim 7 wherein said first jaw member includes a lumen extending longitudinally through at least a portion of the first jaw member.

Claim 9 (Original): The device of claim 8 wherein said at least one tooth member of said first jaw member includes a recessed passageway extending longitudinally of the tooth member and opening toward both proximal and distal ends of said first jaw member, said passageway being axially aligned with said lumen.

Claim 10 (Original): The tissue approximating device according to claim 7 further comprising a tissue engaging rod,

said tissue engaging rod having a tissue engaging portion that can extend generally parallel to said first and second jaw members and that is moveable from a first to second position.

Claim 11 (Original): The tissue approximating device of claim 10 wherein said tissue engaging rod is pivotally attached to said first and second jaw members.

Claim 12-21 (Cancel)